

Appl. No. : 10/647,369
Filed : August 25, 2003

REMARKS

A. Introduction

Applicant respectfully requests reconsideration and allowance of this application. Claims 1-11 and 14-27 are pending in the application. Applicant has canceled Claims 12 and 13 without prejudice. Applicant has amended Claims 1, 10, 11, 14, and 19, and Applicant has added new Claims 20-27. Applicant's claim amendments and claim additions are shown on the pages above following the heading AMENDMENTS TO THE CLAIMS. On these pages, the deletions are ~~struckthrough~~ while the insertions are underlined.

Applicant submits that this application is now in condition for allowance, and Applicant earnestly requests such action. Below, Applicant addresses each of the Examiner's reasons for rejection.

B. The Specification Meets M.P.E.P. Requirements Pertaining to Incorporation by Reference

The Specification stands objected to, the Examiner indicating that Applicant's specification improperly incorporates by reference a foreign patent application. Applicant respectfully disagrees.

Applicant would like to point out that the M.P.E.P. expressly authorizes the incorporation by reference of a foreign patent application where that application is relied upon for an earlier filing date. "As a safeguard against the omission of a portion of a prior application for which priority is claimed under 35 U.S.C. 119(a)-(d) or (f), or for which benefit is claimed under 35 U.S.C. 119(e) or 120, applicant may include a statement at the time of filing of the later application **incorporating by reference the prior application.**" M.P.E.P. § 608.01(p)(emphasis added). "Applicant **may incorporate by reference the foreign priority application** by including a statement in the U.S. application-as-filed that such specifically enumerated foreign priority application is 'hereby incorporated by reference.'" M.P.E.P. § 201.13 (emphasis added).

Pursuant to the above-quoted portions of the M.P.E.P., Applicant respectfully asserts that it is unnecessary to amend the specification at this time to include the material incorporated by reference.

C. Claim Objections

The Examiner objected to Claim 18 as being a substantial duplicate of Claim 1, from which it depends. Applicant respectfully traverses the present objection. However, Applicant

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has amended Claim 1 to delete the term "mounted in". Thus, Applicant submits that the present objection is moot. Accordingly, Applicant respectfully requests that the Examiner withdraw the objection to Claim 18.

The Examiner objected to Claim 19 as lacking proper antecedent basis for the limitation "said means." Applicant has amended Claim 19 so that it now depends from Claim 10, which recites "a means for coupling." Accordingly, Applicant respectfully requests that the Examiner withdraw the objection to Claim 19.

D. All Claims Comply with the Requirements of 35 U.S.C. Section 112

The Examiner rejected Claims 13 and 19 under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, regarding Claim 13, the Examiner stated that "the term 'a member' is not clear because it is not clear if applicant [is] trying to claim a third member within the crankcase or one of the drive member or the driven member that were cited earlier." Applicant respectfully traverses this rejection.

However, Applicant has canceled Claim 13 without prejudice or disclaimer. Additionally, Applicant has transferred certain recitations from Claims 12 and 13 to Claim 10, including the recitation that "said coupling means comprises a driven member." Claim 10 does not include any other recitations of the term "member." Accordingly, Claim 10 is not indefinite.

Applicant has amended Claim 19 so that it now depends from Claim 10, which recites "a means for coupling." Accordingly, Claim 19 is not indefinite, and Applicant respectfully requests that the Examiner withdraw this rejection.

E. All Claims are Patentable Over the Cited References
Shichinohe et al.

The Examiner rejected Claims 1, 4-7, 10-13, 15, 18 and 19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,515,940 to Shichinohe et al. Applicant has canceled Claims 12 and 13. Applicant respectfully submits that the remaining claims, as amended, are allowable over Shichinohe.

An anticipation rejection under § 102 requires that "every element of the claimed invention must be identically shown in a single reference." *In re Bond*, 910 F.2d 831 (Fed. Cir. 1990). "There must be no difference between the claimed invention and the reference disclosure,

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as viewed by a person of ordinary skill in the field of the invention.” *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991).

The Examiner asserts that Shichinohe discloses “a coupling means having a drive member 32 coupled to a driven member 32o.” However, Shichinohe does not disclose or suggest that the driven member is rotatably supported by the crankcase, as recited in amended Claims 1 and 10. This claimed configuration advantageously reduces or eliminates bending loads that might otherwise be transmitted to the crankshaft. As explained in Applicant’s specification at paragraph 76, “the bending loads applied to the input shaft through the interaction of the drive belt 96 and the drive pulley 90 are not transferred to the crankshaft 76. Rather, such bending loads are imparted to the bearings 170, 172.” As such, the recited combination provides a compact and robust shaft assembly.

Shichinohe does not disclose or suggest a driven member that is rotatably supported by a crankcase. Rather, the drive member 32 coupled to a driven member 32o of Shichinohe are completely supported by the crankshaft 16. Applicant thus respectfully submits that independent Claims 1 and 10 are not anticipated by Shichinohe.

Dependent Claims 4-7 and 18, which include the features of independent Claim 1, and dependent Claims 11, 15 and 19, which include the features of independent Claim 10, recite additional features of particular advantage and utility. Moreover, these claims are allowable for substantially the same reasons presented above. Shichinohe does not disclose or suggest all of the limitations of Claim 1 or Claim 10, let alone the unique combinations of features recited by Claims 4-7, 11, 15, 18 and 19. Accordingly, Applicant respectfully requests that the Examiner withdraw these rejections.

Shichinohe in view of Barthruff

Claims 2, 3 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shichinohe in view of U.S. Patent No. 5,127,279 to Barthruff. Applicant respectfully submits that these claims are allowable over Shichinohe in view of Barthruff.

However, Applicant notes that Claims 2 and 3 depend from Claim 1, and Claim 14 depends from Claim 10. Claims 1 and 10 are both allowable, as explained above. Thus, Claims 2 and 3 are also allowable, not only because they depend from Claims 1 or 14, but also on their

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own merit. Accordingly, Applicant respectfully requests that the Examiner withdraw these rejections.

Shichinohe in view of Shaw

Claims 8, 9, 16 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shichinohe in view of U.S. Patent No. 6,095,275 to Shaw. Applicant respectfully submits that these claims are allowable over Shichinohe in view of Shaw.

However, Applicant notes that Claims 8 and 9 depend from Claim 1, and Claims 16 and 17 depend from Claim 10. Claims 1 and 10 are both allowable, as explained above. Thus, Claims 8, 9, 16, and 17 are also allowable, not only because they depend from Claims 1 or 14, but also on their own merit. Accordingly, Applicant respectfully requests that the Examiner withdraw these rejections.

CONCLUSION

For the reasons presented above, Applicant respectfully submits that this application, as amended, is in condition for allowance. If there is any further hindrance to allowance of the pending claims, Applicant invites the Examiner to contact the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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